
UNITED STATES OF AMERICA

v.

SALIM AHMED HAMDAN

)
) DEFENSE REQUEST FOR
) RELIEF IN THE FORM OF A
) EXTENSION TO FILE NOTICE
) OF DEFENSE MOTIONS
)
)
) July 31, 2004

1. Relief Requested. The Defense requests an extension to file notice of motions from 5 August 2004 to 19 August 2004 and to accordingly adjust the dates for Defense Motions, except as noted below.

2. Justification. Military Defense Counsel was TDY in **LOCATION REDACTED** conducting witness interviews in the captioned case from 8 July until 29 July 2004. Military Defense Counsel returned to the office on 30 July and pursuant to POM 4, received constructive notice of Presiding Officers Modified Motions Practice Schedule of 23 July 2004 on that date. Military Defense Counsel is currently scheduled to be TDY OCONUS from 2 August to 6 August 2004 to Naval Station Guantanamo Bay, Cuba in order to advise Mr. Hamdan, the defendant in the captioned case, regarding the charges served upon him, participation in his upcoming Combatant Status Tribunal, and the results of witness interviews conducted in Yemen. Such advisement is in keeping with Defense Counsels ethical obligation to keep his client timely informed of developments in his case.

The Defense does intend to file notice of the following motions by close of business on 5 August 2004:

- a. Notice of Motion to preclude the Presiding Officer from unilaterally ruling on motions of law and fact without participation of the full Commission.
- b. Notice of Motion to preclude the Presiding Officer from Convening sessions of the Military Commissions in the above captioned case in the absence of all Commission Members.
- c. Notice of Motion objecting to the substantive participation by the Assistant to the Presiding Officer.

The Defense intends to file these motions on 12 August 2004 in keeping with the Presiding Officers email correspondence with the Chief Defense Counsel regarding the need to expeditiously address the role of the Presiding Officer and the scope of his powers. The Defense will have only three working days to prepare the above motions upon return from TDY in Guantanamo Bay. Guantanamo Bay at present does not have adequate research resources for the Defense to complete the above motions while TDY. Additionally, the Defense anticipates that the entirety of the time in Guantanamo Bay will be required to brief Mr. Hamdan as outlined above. Finally, Detailed Military Counsel is the sole counsel currently representing Mr. Hamdan limiting the Defense to my individual work product. Consequently the Defense will have insufficient time to prepare the bulk its of the Notice of Motions until after the 12th of August

2004. The Defense anticipates preparing in excess of 20 additional Notice of Motions in the captioned case and submits that five working days is a reasonable accommodation to complete this task.

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